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STATE OF IOWA
BOARD OF EDUCATIONAL EXAMINERS
Grimes State Office Building – 400 East 14th Street
Des Moines, Iowa 50319-0147

Minutes

March 4, 2005

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1 **STATE OF IOWA**
2 **BOARD OF EDUCATIONAL EXAMINERS**
3 **Grimes State Office Building – 400 East 14th Street**
4 **Des Moines, Iowa 50319-0147**

5
6 **Motions**

7
8 **March 4, 2005**
9
10

11 Anita Westerhaus moved, with a second by William Haigh, that the Board go
12 into closed session for the purposes of discussing whether to initiate licensee
13 disciplinary proceedings and discussing the decision to be rendered in a
14 contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f).

15 **MOTION CARRIED UNANIMOUSLY.**
16

17 William Haigh moved, with a second by Anita Westerhaus, that in case
18 numbers 03,25, 03-26, and 03-28, the Board not initiate review of the
19 proposed decision and allow the proposed decision to become the final decision
20 of the Board unless an appeal is taken by one of the parties within the time
21 allowed by rule. **MOTION CARRIED UNANIMOUSLY.**
22

23 Anita Westerhaus moved, with a second by William Haigh, that in case number
24 04-12, the Board accept the Respondent's waiver of hearing and voluntary
25 surrender and that the Board issue an order permanently revoking the
26 Respondent's license with no possibility of reinstatement. **MOTION CARRIED**
27 **UNANIMOUSLY.**
28

29 William Haigh moved, with a second by Anita Westerhaus, that in case number
30 05-04, the Board accept the Respondent's waiver of hearing and voluntary
31 surrender and that the Board issue an order permanently revoking the
32 Respondent's license with no possibility of reinstatement. **MOTION CARRIED**
33 **UNANIMOUSLY.**

1 Anita Westerhaus moved, with a second by William Haigh, that in **case number**
2 **05-05**, the Board accept the Respondent's waiver of hearing and voluntary
3 surrender and that the Board issue an order permanently revoking the
4 Respondent's license with no possibility of reinstatement. **MOTION CARRIED**
5 **UNANIMOUSLY.**

6
7 William Haigh moved, with a second by Anita Westerhaus, that in **case number**
8 **04-19**, the Board find probable cause to establish a violation of the following
9 provisions of the Code of Professional Conduct and Ethics: 282—12.3(1)(d),
10 13.8(2), and 13.13(2) and (3), and order this case set for hearing. **MOTION**
11 **CARRIED UNANIMOUSLY.**

12
13 Anita Westerhaus moved, with a second by William Haigh, that in **case number**
14 **04-21**, the Board find probable cause to establish a violation of the following
15 provisions of the Code of Professional Conduct and Ethics: 282—25.3(1)(e)(4)
16 and 25.3(6)(c) and (d), and order this case set for hearing. **MOTION CARRIED**
17 **UNANIMOUSLY.**

18
19 William Haigh moved, with a second by Anita Westerhaus, that in **case number**
20 **04-25**, the Board find probable cause to establish a violation of the following
21 provision of the Code of Professional Conduct and Ethics: 282—25.3(5)(a)(3),
22 and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

23
24 Anita Westerhaus moved, with a second by William Haigh, that in **case number**
25 **04-19**, the Board extend the 180-day deadline for issuance of the final decision,
26 due to the need for additional time to conduct a hearing, prepare a proposed
27 decision, and review the proposed decision by the Board. **MOTION CARRIED**
28 **UNANIMOUSLY.**

29
30 William Haigh moved, with a second by Anita Westerhaus, that in **case number**
31 **04-21**, the Board extend the 180-day deadline for issuance of the final decision,
32 due to the need for additional time to conduct a hearing, prepare a proposed

1 decision, and review the proposed decision by the Board. **MOTION CARRIED**
2 **UNANIMOUSLY.**

3

4 Brian Carter moved, with a second by Jean Seeland, to approve the January 25,
5 2005, minutes, as distributed. **MOTION CARRIED UNANIMOUSLY.**

6

7 The Board next looked at rules. Jean Seeland moved, with a second by Judy
8 Jeffrey, to adopt and file the proposed changes to the teacher intern rules in
9 chapter 14 that would allow for more innovation and flexibility, while still
10 ensuring the integrity of the program standards. **MOTION CARRIED**
11 **UNANIMOUSLY.**

1 **STATE OF IOWA**
2 **BOARD OF EDUCATIONAL EXAMINERS**
3 **Grimes State Office Building – 400 East 14th Street**
4 **Des Moines, Iowa 50319-0147**

5
6 **Minutes**
7 **March 4, 2005**
8

9 The Board of Educational Examiners held its monthly meeting on March 4,
10 2005. Board Chair Peter Hathaway called the meeting to order at 8:30 a.m.
11 Members attending were John Aboud, Brian Carter, Ying Ying Chen, William
12 Haigh, Peter Hathaway, Judy Jeffrey, Thomas Paulsen, Greg Robinson, Jean
13 Seeland and Anita Westerhaus. Also in attendance were Dr. George Maurer,
14 Executive Director of the Board; Christie Scase, Assistant Attorney General and
15 legal counsel to the Board; Barbara Hendrickson, Board Secretary; and other
16 visitors. Board Member Jacqueline Wellborn and Assistant Attorney General
17 and legal counsel to the Board Jeanie Vaudt were unable to attend the meeting.

18
19 Anita Westerhaus moved, with a second by William Haigh, that the Board go
20 into closed session for the purposes of discussing whether to initiate licensee
21 disciplinary proceedings and discussing the decision to be rendered in a
22 contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f).

23 **MOTION CARRIED UNANIMOUSLY.**
24

25 The Board reconvened into open session at 9:34 a.m.
26

27 William Haigh moved, with a second by Anita Westerhaus, that in **case**
28 **numbers 03-25, 03-26, and 03-28**, the Board not initiate review of the
29 proposed decision and allow the proposed decision to become the final decision
30 of the Board unless an appeal is taken by one of the parties within the time
31 allowed by rule. **MOTION CARRIED UNANIMOUSLY.**

1 Anita Westerhaus moved, with a second by William Haigh, that in **case number**
2 **04-12**, the Board accept the Respondent's waiver of hearing and voluntary
3 surrender and that the Board issue an order permanently revoking the
4 Respondent's license with no possibility of reinstatement. **MOTION CARRIED**
5 **UNANIMOUSLY.**

6
7 William Haigh moved, with a second by Anita Westerhaus, that in **case number**
8 **05-04**, the Board accept the Respondent's waiver of hearing and voluntary
9 surrender and that the Board issue an order permanently revoking the
10 Respondent's license with no possibility of reinstatement. **MOTION CARRIED**
11 **UNANIMOUSLY.**

12
13 Anita Westerhaus moved, with a second by William Haigh, that in **case number**
14 **05-05**, the Board accept the Respondent's waiver of hearing and voluntary
15 surrender and that the Board issue an order permanently revoking the
16 Respondent's license with no possibility of reinstatement. **MOTION CARRIED**
17 **UNANIMOUSLY.**

18
19 William Haigh moved, with a second by Anita Westerhaus, that in **case number**
20 **04-19**, the Board find probable cause to establish a violation of the following
21 provisions of the Code of Professional Conduct and Ethics: 282—12.3(1)(d),
22 13.8(2), and 13.13(2) and (3), and order this case set for hearing. **MOTION**
23 **CARRIED UNANIMOUSLY.**

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25 Anita Westerhaus moved, with a second by William Haigh, that in **case number**
26 **04-21**, the Board find probable cause to establish a violation of the following
27 provisions of the Code of Professional Conduct and Ethics: 282—25.3(1)(e)(4)
28 and 25.3(6)(c) and (d), and order this case set for hearing. **MOTION CARRIED**
29 **UNANIMOUSLY.**

30
31 William Haigh moved, with a second by Anita Westerhaus, that in **case number**
32 **04-25**, the Board find probable cause to establish a violation of the following

1 provision of the Code of Professional Conduct and Ethics: 282—25.3(5)(a)(3),
2 and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

3
4 Anita Westerhaus moved, with a second by William Haigh, that in **case number**
5 **04-19**, the Board extend the 180-day deadline for issuance of the final decision,
6 due to the need for additional time to conduct a hearing, prepare a proposed
7 decision, and review the proposed decision by the Board. **MOTION CARRIED**
8 **UNANIMOUSLY.**

9
10 William Haigh moved, with a second by Anita Westerhaus, that in **case number**
11 **04-21**, the Board extend the 180-day deadline for issuance of the final decision,
12 due to the need for additional time to conduct a hearing, prepare a proposed
13 decision, and review the proposed decision by the Board. **MOTION CARRIED**
14 **UNANIMOUSLY.**

15
16 Brian Carter moved, with a second by Jean Seeland, to approve the January 27,
17 2005, minutes, as distributed. **MOTION CARRIED UNANIMOUSLY.**

18
19 Board Member Jean Seeland once again complimented Board staff members on
20 the excellent job they do in presentations on licensure to student teachers. Ms.
21 Seeland had joined Licensure Consultant Jane Heinsen in a session at Upper
22 Iowa University. Board Member Anita Westerhaus echoed the sentiments,
23 having accompanied Ms. Heinsen to Grand View College. She said that it is
24 enjoyable to be a part of the meeting and that the presentation is professionally
25 done and is well received by the student teachers. Both board members
26 expressed appreciation for being asked to participate in the seminars. Board
27 Chair Peter Hathaway mentioned that he also enjoyed a presentation he had
28 done for pre-service people at Briar Cliff College.

29
30 In response to a question from Board Member John Aboud, Executive Director
31 Dr. George Maurer said that things were moving forward with respect to board
32 member reappointment. All the names should be taken to the legislature

1 March 15. Appointed after the legislative session last year, Board Member Greg
2 Robinson said he had just received his letter of Senate confirmation.

3
4 Department of Education (DE) Director Judy Jeffrey spoke to the issue of highly
5 qualified teacher. She reminded the Board of her report at the last board
6 meeting about the U. S. Department of Education (USDE) Title II visit and that
7 they had achieved some common ground. With the appointment of the new
8 U. S. Secretary of Education, it appears that the USDE is making efforts to
9 become even more flexible in the interpretation of highly qualified teachers,
10 especially for general education. The DE has just finished putting together a
11 new Highly Objective Uniform State Standard of Evaluation (HOUSSE)
12 definition that reflects what Iowa requires for licensure and licensure renewal in
13 order to assure that Iowa teachers meet the federal requirements. The
14 opportunity for flexibility is promising. With respect to special education, Ms.
15 Jeffrey said she thought the issue was more a matter of program delivery than
16 teacher licensure. She said that regulations in the Individuals with Disabilities
17 Education Act (IDEA) are very clear that a practitioner solely teaching content
18 area in grades 7-12 to students with disabilities must be endorsed in that area.
19 The majority of Iowa special education teachers, however, do not hold majors or
20 minors in all of the content areas. Instead, if a teacher works in a consultative
21 mode, e.g., working closely with the general education teacher, team teaching,
22 pulling students out in small groups, etc., the question is one of program
23 delivery, not teacher licensure. Some school districts will have to change the
24 way they deliver their program. Ms. Jeffrey said that the DE has no regulations
25 or guidance from the USDE yet in this matter. "In consultation with" a
26 regulation education teacher, however, will be a key phrase as matters play out.
27 Smaller districts, with limited special education staff, will experience the impact
28 more than larger districts. This does not affect teachers of severe and
29 profound; Iowa licensure in those areas is fine.

30
31 Board Chair Peter Hathaway addressed the issue of the composition of Board
32 subcommittees in the coming board year. He asked members to indicate on a

1 piece of paper their interest in serving on the executive subcommittee, on the
2 professional practices subcommittee, and/or as vice-chair of the Board.

3
4 Board Chair Peter Hathaway asked if there were any public comments. There
5 were none.

6
7 Board members acknowledged the presence of *Des Moines Register* education
8 writer Megan Hawkins and complimented her and the newspaper on feature
9 articles on the topic of middle school that appeared in print last month. Board
10 members said it was the subject of discussion among a lot of people.

11
12 Executive Director Dr. George Maurer reported on a number of issues:

13 1) He asked Assistant Attorney General and legal counsel to the Board Christie
14 Scase to reply to a board member's inquiry about what to do when
15 approached by a member of the media about a Board-related matter. Ms.
16 Scase said there is not necessarily one rule that fits all occasions, but she
17 gave some general guidelines for response. She also explained the need to
18 avoid *ex parte* communication.

19 2) Dr. Maurer began a legislative update by mentioning HF 529, dealing with
20 the structure of the Board and the 120-day probable cause determination.
21 In response to a question from Board Member Greg Robinson, Ms. Scase
22 cautioned Board members, when speaking with legislators, to be certain to
23 clarify that they are speaking as individual citizens, and not as
24 spokespersons for the Board, since they are not registered lobbyists. Dr.
25 Maurer then cited HF 526, requiring examination of a number of different
26 things, e.g., federal law, state law, administrative rules, etc. Dr. Maurer said
27 that DE Director Judy Jeffrey and he had no problem with the policy issue,
28 but with the \$10, 000 cost, human resources needed, and source of
29 revenue, which is the educator quality appropriation.

30 3) Licensure Consultant Susan Fischer referenced two teacher quality bills
31 before the legislature, HF 401 and HF 319, and said that their language is
32 inconsistent as they attempt to change the definition of beginning teachers
33 involved in the mentoring and induction program. The bills would create a

1 new licensure structure for school social workers and school nurses, among
2 others.

3 4) Ms. Fischer then addressed concerns raised prior to board meeting day by
4 Board Member Jean Seeland, regarding conversion from the initial license to
5 the standard license by persons whose birthday falls in the first third of the
6 calendar year and, Ms. Fischer added, by persons who teach in a nonpublic
7 school, who must teach for three years before eligibility for conversion.

8 These two sets of practitioners must pay additional fees to maintain their
9 initial license before becoming eligible to obtain their standard license. The
10 Board accommodated the new evaluator training requirement for the
11 administrator license by issuing a one-year conditional license for a nominal
12 fee, and that might be the solution here, as well.

13 5) The new licensure system has a production date of March 31, 2005. For
14 service fees for credit card usage on renewal and duplicate licenses, the
15 Board agreed to a fee of \$3 for cost plus system maintenance.

16 6) The Board looked at a handout with plans for the board retreat. Dr. Maurer
17 invited board members to contact him with thoughts on the materials before
18 them so that successive meetings before the retreat would see refinement in
19 the plans. Board members expressed a preference to find accommodations
20 outside the Grimes State Office Building.

21 7) Dr. Maurer said board orientation would take place in May and June. He
22 said a program for that would be developed, and he asked board members to
23 submit input for that.

24 8) Looking at board goals, Dr. Maurer talked about developing a communication
25 plan for distribution of information. The Board will look at the issue of
26 applications from out-of-state later in the meeting. Dr. Maurer has met with
27 representatives of the DE and the Governor's office, and things are moving
28 forward on the budget situation. He hopes to have more information for the
29 next board meeting.

30
31 The Board recessed from 11:07 a.m. to 11:23 a.m.

1 The Board next looked at rules. Jean Seeland moved, with a second by Judy
2 Jeffrey, to adopt and file the proposed changes to the teacher intern rules in
3 chapter 14 that would allow for more innovation and flexibility, while still
4 ensuring the integrity of the program standards. **MOTION CARRIED**
5 **UNANIMOUSLY.**

6
7 The proposed changes to Chapter 15 would “clean up” that chapter’s rules. The
8 changes are needed to clarify the rules that are being enforced, which would
9 eliminate any and all conflict that may exist between the old rules and the new
10 rules for the special education endorsements. The Board deferred action on the
11 matter because it looked at the rules remaining for the instructional strategist I:
12 mild and moderate endorsement and asked staff for input regarding the
13 ramifications of a change to a K-12 license, along with draft language.

14
15 The Board had a first reading of proposed changes to Chapter 14, which would
16 provide an option for out-of-state applicants to demonstrate an equivalent
17 assessment similar to the multiple measures used by in-state teacher
18 preparation programs, and thereby meet No Child Left Behind (NCLB)
19 requirements.

20
21 The Board recessed for lunch at 12:05 p.m. and reconvened at 12:49 p.m.

22
23 Discussion continued on the proposed changes to Chapter 14 regarding out-of-
24 state applicants.

25
26 The Board had a first reading of proposed changes to Chapter 14, which would
27 assess a penalty to a licensed teacher who does not hold a valid endorsement in
28 the area of service for which the person is employed. Executive Director Dr.
29 George Maurer summarized issues raised by the Board in the discussion: 1)
30 middle school concerns; 2) spikes in the system; 3) persons teaching out of
31 their assignment for a period of time before they apply for the license; and 4)
32 attendant cost. Dr. Maurer informed the Board that late fees for licensure
33 renewal, assessed at \$25 per month up to a maximum of \$150, total \$38,000

1 already this year. Board Chair Peter Hathaway said he believed he heard broad
2 support from board members for raising the fee for those do not renew their
3 basic license in a timely manner.

4
5 Licensure Consultant Susan Fischer reported on her attendance at the second
6 annual National Center for Alternative Certification Conference. Ms. Fischer
7 gave a number of significant facts and figures:

- 8 1) 47 states offer alternative certification, with 610 alternative routes ranging
9 from one-day “survival” training to a more traditional route of a master’s
10 degree in teaching.
- 11 2) Administering the program are 52% institutions of higher education, 12%
12 school districts, 6% regional service center (such as Iowa’s area education
13 agencies), 5% state department of education, and 4% consortium.
- 14 3) 52% per cent of the programs are two years in length; 32% are one year.
- 15 4) 90% of the people teach full time while in the program.
- 16 5) Most of the alternative programs are trying to fill the need for minorities,
17 males and teachers in general.
- 18 6) Participants felt that teaching full time as the teacher of record was the
19 most helpful component of the program.
- 20 7) 83% have a mentor, a factor significant to success in an alternative
21 preparation program.
- 22 8) 18% of the programs are online, and some are partially online. That trend
23 is growing, and it is the easiest way to reach the mass population. Nights
24 and weekends afford other accessible opportunities.
- 25 9) Ms. Fischer was impressed by a teaching skills assessment program, a
26 method for evaluating required skills before persons even enter the
27 classroom. Such a method directs students to those areas where greater
28 proficiency is needed.
- 29 10) Michael Petrilli of the USDE spoke about highly qualified teachers.
- 30 11) Representatives of testing companies declared that they looked at state
31 standards and tried to base their tests on them.

1 Dr. Henry Pitman, Dean of the School of Education and Social Sciences of The
2 Franciscan University, which is currently the only Iowa institution with an
3 approved curriculum for the teacher intern program, returned to the board
4 meeting to share information about some of the people who have been selected
5 as participants. He first said that he had also attended the National Center for
6 Alternative Certification Conference, and did so with the question, "What makes
7 alternative programs successful?" or, more specifically, "What makes programs
8 of a similar pattern successful?" Dr. Pitman found a lot of practical expertise
9 offered by presenters who are practitioners. He said that an alternative
10 preparation program should contain the following elements:

- 11 1) adequate length to develop the skills needed for success
- 12 2) partnerships, because the elements involved cross all educational interests
13 in the state
- 14 3) mentoring
- 15 4) extensive supervision
- 16 5) learning activities which deliver substantive critical content with
17 demonstrated classroom application (a critical factor).

18 Dr. Pitman then profiled portions of the status of some of the 15 members (and
19 other 16 who initiated application) of the first Iowa cohort in the alternative
20 teacher preparation program at The Franciscan University. The greatest
21 challenge is administrators' lack of understanding of the program and new
22 licensure path and consequent difficulty in intern placement. Partnering with
23 state educational interests should help with this. Coursework has just begun
24 and the first practicum started. Board members then shared some ideas for
25 getting administrators validation information about the program.

26
27 Ms. Fischer then gave a website address of www.teach-now.org that shows the
28 various alternative certification programs offered throughout the United States
29 and other pertinent information from the National Center for Alternative
30 Certification.

31
32 The Board agreed to change the retreat dates to June 20-21, 2005, and to hold
33 a regular board meeting on July 29, 2005.

- 1 There being no further business, Board Chair Peter Hathaway adjourned the
- 2 meeting at 2:08 p.m.